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REASONS
Wherefore the
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OF THE
COUNTY PALATINE
OF
CHESTER and LANCASTER;
AS ALSO,
All Forreigners are now prejudiced and tyrannized over, by reason of the pretended Priviledges and Liberties of the said COUNTY.

So that the condition of the said County is farre more miserable, and in greater thraldome, then any other County whatsoever in the KINGDOME.

London, Printed for *E. E.* according to Order,
Anno Dom. 1646.

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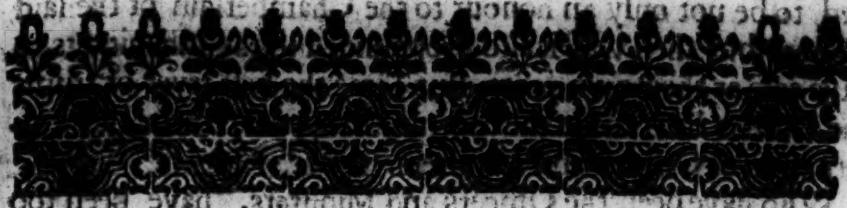

REASONS wherefore the Inhabitants of the County Palatine of *Chester*, and *Lancashire*; as also all Forreigners, are now prejudiced and tyrannized over, by reason of the pretended privileges and liberties of the said County.

IN silence to pretermit how the Earl of *Chester* was first created, and how the Prince of *Wales* became Earle of *Chester*, though it might conduce to the satisfaction of some; I shall only touch the late proceedings usually had in the said County, as it was regulated by the late Earl of *Derby*, and *James* then Lord *Strange*, since Earl, being Chamberlain for the County Palatine of *Chester*, and the supream Judge of the Court of *Exchequer* there, who exercised an unlimitted, independent, tyrannicall, and arbitrary power of Judicature, which was a great means, to inable, to cause so great a Power against this present *Parliament*.

The Court of Exchequer at *Chester* was only, till of late years, a Court of Revenue for the Earles Revenue, and in the nature of a Cursitors office, for the making only of the originall Writs of that County returnable before the chief Justice of *Chester*, all matters equitable being tranlacted before the Councell at *Ludlow*.

Eliz. Whereas in the Earl of *Liecesters* time it was conceived to be not only an honour to the Chamberlain of the said County, but then was it also propounded to the Inhabitants to have cafe at their own doores. But Time the best tryer of truths and falsities hath made the contrary to appear, through the usurpation of Officers and Ministers.

Who have been the Officers and Ministers, have been too well known to some; as also, what obstructions of Justice in severall kinds and respects, and by whom occasioned, although the granting and denying, *ad libitum*, to passe such usuall and ordinary Writs, *Sub Sigil. Com. Pal.* which *ex officio* ought, and *de jure* ought not, nor ever were refused to passe under the great Seal of *England*, is partly an evident Character of more injustice there then else-where.

That it was very hard to obtain Justice there, if a man were either Forreigner or Inhabitant, and had any cause against any that were *amici Curiæ*, or had the least dependency upon any such; neither was there any remedy for any such, in regard there was no Appeal to any of the Courts at *Westminster*, but to the *High Court of Parliament*; so that the suffering Party was remediless, which was well known to the prosecuting Party, which animated them in their exorbitant courses, especially living *procul à Jove*, they apprehended themselves *procul à fulmine*.

Multitudes of Suits were occasioned, by reason of the neerness of the Court of Exchequer, twice as many as any other County not Palatinate, the charge greater then in any of the Courts at *Westminster*, by reason of the parties themselves attending, and the dayly motion of the Court sitting, and every day occasioning variety of crosse and disordered Orders, the Attornies and Officers even residing in the City, and there being no common Sollicitors, the first Processe being twice as dear as in his Highnesse Court of Chancery, every proceeding by motions and orders; without generall rule, besides, the going and sending for the same to *Chester*, occasioned twice as great expences as the Processe.

That all Obligations, Specialties & other matters tryable at the common

mon Law are determinable in the said Court, so that the Subjects and Inhabitants have little usage of the Law; neither is the same scarcely known unto them, by reason that every Action of any value which is first brought at the common Law; for the amending whereof, every one desireth to begin there first.

That the proceedings at the common Law there are *obsolete* almost, by reason that there are but Assizes twice in the yeare, and every Processe returnable from one Assize to another, in case they be Writs *ad respondendum*, a Forreiner though never so good a Sollicitor in the Courts at *Westminster*, must begin to learn his *A.b.c.* when he hath any occasion there.

That for not appearing upon a *Subpana* in the said Court of Exchequer, they proceed to Sequestration of the Estates both of the Inhabitants there, and of such as live in *London*, or in any other County, if they have Estates there; albeit their occasions will not admit their speedy appearance, and that within one Moneth.

That if any one, for any transitory cause, and doubting of Justice, there being not *amicus Curiæ*, (some of the Officers not resenting him) should sue any Inhabitant in any of his Maj. Courts at *Westminster*, presently a Writ *protestationis Libertat. Com. Pall. Gesse*, never read of in *Fitz. Barbers Natura brevium*, or elsewhere, issueth forth; whereupon the party is attached without either Bayle or Mainprize to the Court, and there forthwith enters into Recognizance with sufficient Sureties not to proceed elsewhere to stand to the Order of the Court, and not to depart without Licence, and then he must be examined upon *Interrogatories* touching the breach of the said pretended liberties, and shall hardly get advice of any Councell, Attorney, or Officer belonging to the said Court, in regard he is conceived to be *inimicus Curiæ*. Better by farre was it in the Star-Chamber.

Another kind of an Attachment not used in any Court of Chancery, being of the price of 9. s. which was usually granted upon the oath of any one who did believe that the Defendant would not stand to the Order of the Court; and upon this, Forreigners as well as Inhabitants, who had commenced no suit in any of

the Courts at *Westminster*, where none but sufficient Inhabitants would serve, so that for the most part, Strangers were compelled to make their compositions on any conditions almost.

That if any *Londoner* or other *Forreigner* should happen to sue any of the Inhabitants within the said County, in any of the Courts at *Westminster*, and should afterwards come into the County about the execution of any Processe, Order, or other occasion, then presently an Attachment *pro fractione libertat.* must be executed upon him, and he either enforced to lose his Debt, make some unjust composition, or be sent to the Castle, unlesse he had better credit and friends then usually strangers found there.

In like manner have been attached Councellors, Attornies, & Sollicitors, for being Agents for their Clyents in the Courts at *Westminster*, coming accidentally into the Country, the County Palatine of *Lancaster*, although having the same priviledges, never claimed the like.

Every common Processe issuing out of the Courts at *Westminster*, which paieth the County Palatine Seale, costeth 5 s. & to the Attorney there 1 s. 8 d. every judicial or speciall Writ 2 s. besides the Attornies Fee; otherwise, the party may wait the Sheriffe for his Warrant will have 6 s. 8 d. to the Bayliffe of the Hundred 13 s. 4 d. to speciall Bayliffs besides his Poundage, if an Execution; besides the great trouble and charge in attending upon the Chamberlains Officer, and Sheriffe.

Not one Writ of a hundred executed, after all labour and cost, for that no person of quality living there, and indebted, but was in fee with some Attornie or Officer there, who gave him notice of the same, whereby both Sheriffe, Bayliffe, and Party were prevented.

That by reason thereof, there are few Estates in *Cheshire*, which are not incumbred with Statutes, Judgments, and Recognizances, very few being discharged, that security from the person or Lands of the best Gentlemen in *Cheshire*, is accounted bad security here in *London*, amongst either *Citizen*, *Scrivener*, or *Broker*.

That the Inhabitants of the County have not only been de-

prived

priued of the benefit of the common law, but also are exempted *from the priuiledge of diuers Statute Lawes*. A little Volume will not contain the abuses and intollerable sufferings, occasioned by the said County-Palatine.

Let the same come to solemn debate, and there will be found nothing but generall inconveniences, only some priuate accommodation, giving principall Officers liberty to pleasure their friends, and tyrannize over the rest.

If Counties-Palatine were conceived to be priuiledge for the Inhabitants, It is to be wondred why in these times of liberty other Counties do not petition for the same, other Counties equally deserving them, and most desiring immunities.

If the Sheriffe of the County do neglect to do his office, or return his Writs, there is no remedy for the punishing of him, because he is the Minister to the Chamberlain, and to make his returns to him, and not to any of the Courts of *Kings-Bench*, or *Common-Pleas*. And what remedy there was against the late Earl of *Derby* who was *Chamberlain*, I leave it to those who have had experience therein.

What benefit can redound to a Kingdome governed by one Law, regulated by one Parliament, to have Counties Palatine, and to have *Iura regalia*, rather *illegalia & fola diademata dispania*, and to be bound up in a little corner, that upon any occasion that any one hath with any of the Inhabitants of the Co he must go seek into the County Palatine, where he shall be more strange to their Lawes, which they call Liberties of the County, then he is to their persons, and hath no remedy to help himself, if injured.

Germany hath tasted sufficiently of the miseries which Dukedoms Principalities have occasioned. *Ireland* hath felt some smart by their County Palatines. & *England* had a fair escape from the power of the late Earl of *Derby*, who gathered his Forces out of the Counties Palatine of *Lancaster* and *Chester*. *Scotland* is very sensible of the grand inconveniences, occasioned by their hereditary Sheriffes, which hath caused many Principalities, ever destructive to States and Common-wealths. Before any further Ordinance be made for the confirmation of any

County

County Palatine, it were not impertinent, that the Judges might examine the severall abuses, and certifie the Parliament, that so no County might bee inthralled for any particular respects whatsoever.

The grandest liberty of the Subject in their election of their Knight of the County, and Burgesses for the City of *Chester*, hath received such opposition, as the like in no County, where as the pretence only hath been for want of a Chamberlain; So that in the absence of that ever honoured Sir *William Brereton*, there hath not been any since the beginning of all these differences, to represent the state and condition of that county. The Judges ride their Circuits far further, even to *Lancaster*, And yet by what fate is not known to every one that is exempted.

The state of the County Palatine of *Lancaster* hath been some little better.

Every one inthralled or tyrannized upon at this instant, expecteth liberty and freedome, And so do the Inhabitants of the County Palatines of *Lancaster* and *Chester*, who have been in seruitude & slavery ever since they were made Palatinates. The Subjects also of the three Kingdomes expect to have Justice there, as else-where, from which they have been disagreed.

None but Officers desire the continuance thereof, they may be discerned by their daily sollicitations, and daily attendance upon the Houses of Parliament.

Faxit Deus sit cures hoc Parliamentum.

FINIS.